

Bremerton v. Sesko

Testimony at January 14, 2008 hearing

Objectives

- Justify the method of abatement (bids including removal and salvage in same bid)
- Explain why salvage value reduced while removal cost increased
- Identify specific items that were removed by Seskos that had high salvage value

Area of testimony	Specific facts to be elicited	Witness	Exhibits
Brief History of Seskos' nuisance	<p>In the mid-1990s City received numerous complaints from residents that the Seskos' properties on Arsenal Way and Penn Ave were junkyards.</p> <p>Under the City's zoning ordinance, Arsenal Way was zoned as Industrial Park and Penn Ave was zoned Business Park. According to the Bremerton Municipal Code a junkyard was not allowed in areas zoned as Industrial Park or Business Park.</p> <p>The City informed the Seskos several times that both properties were in violation of the code, and requested that Seskos remove the junk from both properties.</p> <p>Seskos refused, so City issued a cease and desist order for each property.</p> <p>Seskos appealed to Planning Commission and City council, which upheld orders.</p> <p>Seskos continued to refuse to remove junk, so the City filed these lawsuits.</p> <p>On May 8, 1998 this court entered a judgment finding that the Penn Ave property was a junkyard and ordering the Seskos to remove the junk from the property.</p> <p>On January 30, 1998, this court entered a judgment finding that the Arsenal Way property was a junkyard and ordering the</p>	Janet	

	<p>Seskos to remove the junk from the property.</p> <p>The Seskos failed to remove any of the junk items, so in December 2000, the City went to court to get an order specifically clarifying that the City could hire a contractor to go onto the Seskos' Arsenal Way property to remove the junk.</p> <p>On December 15, 2000, the city explained to the court that the city intended to send out for bid the contract to remove the junk and court specifically authorized that the city to do so.</p> <p>Then at a hearing before the court in November 2001, Janet informed the court that the contract had been sent out for bid and that the city would be awarding the bid later that month.</p> <p>At all times the city was truthful and candid with the court regarding the method of abatement.</p>		
<p>Method of Abatement</p> <p><i>different in date</i></p>	<p>The City considered auction</p> <p>The City decided to hire Parametrx, a consultant to manage the abatement.</p> <p><u>There are several ways to efficiently and cost-effectively remove junk from a property.</u></p> <p>The City considered many options that would cost the least and get the most for salvage.</p> <p>The City had an interest in getting the most for salvage because the city was paying for abatement. While the city fully expected the court to enter judgment for city for cost of abatement, city knew that Seskos would litigate, appeal and delay.</p> <p>The method chosen was to send out for bidding with the cost of the abatement and the cost of salvage included in the bid.</p>	<p>Janet, Ken</p> <p>Janet, Ken</p> <p>Ken</p> <p>Janet, Ken</p> <p>Janet, Ken</p> <p>Ken, Janet</p>	<p>Letters from Stokes and Murphy</p> <p>Contract</p>

	<p>This method is accepted in the industry as an appropriate method of abatement of junk from a private property.</p>	Ken	
Itemizing items on properties	<p>On ____, pursuant to court order the city and Parametrix went onto Arsenal Way and Penn. Ave properties to take an inventory of all items on the property.</p> <p>The court allowed a certain amount of vehicles to remain. <i>List</i></p> <p>Based on the inspection, Janet made a list of the items that had been removed by the Seskos and the items that had remained for Arsenal. [Do we have the same thing for Penn Ave?]</p>	Janet, Ken	
Bidding for Abatement	<p>After it was apparent that an auction was not available, the best alternative was to get bids from contractors remove the junk from the properties.</p> <p>We considered getting one contractor to remove the junk and another to determine salvage, but that method would not have made the project more expensive.</p> <p>It went out for bid on October 18, 2001.</p> <p>The city received bids from nine contractors.</p> <p>Buckley was the lowest bidder at \$158,571.54.</p>	<p>Janet, Ken</p> <p>Janet, Ken</p> <p>Janet</p> <p>Janet, Ken Janet, Ken</p>	
Calculation of salvage value	<p>Each bidding contractor had a different salvage value for the junk on the properties.</p> <p>Buckley had the highest salvage value for Penn Ave and the second highest salvage value for Arsenal.</p>	<p>Ken</p> <p>Ken</p>	<p>Ex. E</p> <p>Ex. E</p>
Buckley's contract and amendments	<p>On December 1, 2001, the city entered into a contract with Buckley to perform the abatements for \$158,571.69.</p> <p>Change orders to the contract were necessary because of the Seskos' conduct in 1) removing</p>	<p>Janet, Ken</p> <p>Janet, Ken</p>	<p>Ex. K</p> <p>Ex. S</p>

	<p>most of the items that had salvage value, 2) moving items off the properties then back on the properties again, 3) appealing the November 30, 2001 order(?).</p> <p>The salvage value was reduced because the Seskos removed the items that had salvage value after Buckley had submitted its bid.</p> <p>Identify the specific items that Seskos removed that resulted in little to no salvage value.</p>	<p>Janet, Ken</p> <p>Janet, Ken</p>	
Seskos' conduct after orders of abatement	<p>After Buckley began its abatement in January 2002. The Seskos removed some of the items off of the properties, but then they would move some of them back after Buckley had left.</p> <p>Most of the junk that had some salvage value was removed by the Seskos</p>	<p>Janet, Ken</p>	
How the cost of abatement for Arsenal came to \$172,462.26	<p>Explain reason for Emerald Petroleum bill</p> <p>Itemize Buckley's expenses</p>	<p>Janet, Ken</p>	Ex.
How the cost of abatement for Pennsylvania came to \$79,792.19			